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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

TROY CASTILLO, )  
Plaintiff, )  
vs. )  
KEVIN INGRAM, in his official capacity as )  
Executive Director of the Nevada Private )  
Investigator's Licensing Board; DAVID )  
SPENCER, in his official capacity as )  
Chairman of the Nevada Private )  
Investigator's Licensing Board; MARK )  
ZANE, in his official capacity as Board )  
Member of the Nevada Private )  
Investigator's Licensing Board; JAMES )  
NADEAU, in his official capacity as a Board )  
Member of the Nevada Private )  
Investigator's Licensing Board; JAMES )  
COLBERT, in his official capacity as a )  
Board Member of the Nevada Private )  
Investigator's Licensing Board; ROBERT )  
UITHOVEN, in his official capacity as a )  
Board Member of the Nevada Private )  
Investigator's Licensing Board, )  
Defendants. /

Case No. 2:14-CV-00332-GMN-PAL

**DEFENDANTS' UNOPPOSED**  
**MOTION TO MODIFY SCHEDULING**  
**ORDER**

COMES NOW, State Defendants, KEVIN INGRAM, in his official capacity as Executive Director of the Nevada Private Investigator's Licensing Board; DAVID SPENCER, in his official capacity as Chairman of the Nevada Private Investigator's Licensing Board; MARK ZANE, in his official capacity as a Board Member of the Nevada Private Investigator's

1 Licensing Board; JAMES NADEAU, in his official capacity as a Board Member of the Nevada  
2 Private Investigator's Licensing Board; JAMES COLBERT, in his official capacity as a Board  
3 Member of the Nevada Private Investigator's Licensing Board; ROBERT UITHOVEN, in his  
4 official capacity as a Board Member of the Nevada Private Investigator's Licensing Board  
5 (Board), appearing through their attorneys CATHERINE CORTEZ MASTO Attorney General  
6 and COLLEEN L. PLATT Deputy Attorney General, and hereby request that the Court modify  
7 the Scheduling Order.

8 **MEMORANDUM OF POINTS AND AUTHORITIES**

9 On June 10, 2014, the Board submitted its Motion to Dismiss; this motion was fully  
10 briefed on July 10, 2014, and is awaiting a decision by the Court. The Board's answer will be  
11 due after this Court has ruled on its Motion to Dismiss. FED. R. CIV. P. 12(a)(4). Pursuant to  
12 Local Rule 26-1, Plaintiff is required to initiate the scheduling of the FED. R. CIV. P. (FRCP)  
13 26(f) meeting within 30 days after the Board answered or otherwise appeared. The Motion to  
14 Dismiss filed on June 10, 2014, was the Board's appearance in the instant matter. See *Sun*  
15 *Bank of Ocala v. Pelican Homestead and Sav. Ass'n*, 874 F.2d 274, 275–276 (1989 5th Cir.).  
16 Thus, Plaintiff was required to initiate the FRCP 26(f) meeting on or before July 12, 2014.  
17 Plaintiff did not initiate the meeting until July 31, 2014.

18 Discovery may be burdensome and expensive. Since there is not yet a resolution to  
19 the Board's Motion to Dismiss, the Board requests that the discovery process be stayed until  
20 after this Court has ruled on its Motion to Dismiss. The stay will allow the Parties to proceed  
21 with discovery on the portions of the Complaint, if any, that withstand the Board's Motion to  
22 Dismiss. Plaintiff does not oppose this motion.

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Therefore, the Board hereby requests that this Court modify the Scheduling Order as follows:

1. The Board shall submit its answer to the Complaint within 14 days after this Court's ruling on its Motion to Dismiss.

2. The Parties shall submit a discovery plan within 14 days of Defendants' service of the answer.

DATED August 18, 2014.

CATHERINE CORTEZ MASTO  
Attorney General  
/s Colleen L. Platt  
COLLEEN L. PLATT  
Deputy Attorney General  
*Attorneys for Nevada State  
Defendants Kevin Ingram, Mark Zane,  
David Spencer, James Nadeau;  
Robert Uithoven; James Colbert*

**IT IS SO ORDERED.**

DATED this 21st day of August, 2014.

Peggy A. Leen  
United States Magistrate Judge

## **CERTIFICATE OF MAILING**

I, Vicki Beavers, hereby certify I am an employee of the Office of the Attorney General and that this 18th day of August, 2014, I electronically filed the foregoing Defendants' Unopposed Motion to Modify Scheduling Order, with the Clerk of the Court for the United States District of Nevada by using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and service will be accomplished by the appellate CM/ECF system.

/s/ Vicki Beavers  
**VICKI BEAVERS**

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